

## **Testimony before the City Council Regarding the Reorganization of the Department of Education**

On Thursday, January 29, the City Council's Committee on Education Oversight held a hearing on the impact of the Department of Education's proposed reorganization of special services. Several members of the ARISE Coalition submitted testimony at this hearing. This document is a compilation of that testimony.

## **Maggie Moroff, the ARISE Coalition**

Good afternoon and thank you to the members of the Committee and Council Member Jackson for chairing this committee.

I am Maggie Moroff and I coordinate the ARISE Coalition. We are a group of parents, advocates, educators, and others who have come together to provide a collective and powerful voice on behalf of students with special needs in New York City. We seek to compel systemic reform to improve special education, promote greater transparency and accountability of the education system, and most critically, assure more positive outcomes and options for all students. A number of our member organizations are represented in this panel and throughout the room today.

Given the Department of Education's recent announcement that it will undertake a review of special education services across New York City this hearing is particularly well timed. We applaud the City Council's willingness to look into the best ways to meet the needs of youth with disabilities.

Over the past few months the ARISE Coalition has co-sponsored with Parents for Inclusive Education a series of speak-outs for parents and caregivers of students with special needs in New York City. The meetings were planned to give parents and caregivers an opportunity to air publically their experiences with the special education system in New York City during this administration and its re-organizations. The speak-outs gave parents an opportunity to voice their hopes for a better system. I'm sure you'll hear from some of those parents today, and some of the countless other parents of the 180,000 school-aged children with special needs in New York City. These concerned and active parents face an array of obstacles everyday in their efforts to obtain a decent education for their children. Those that make it here, or made it to our speak-outs, have the task of speaking-out for all the others who could not. Their individual stories together paint a picture of a system that still has a lot of problems to resolve.

At our speak-outs, parents, caregivers, concerned educators, and community activists came in large numbers, with several hundred attending in total. They reported about specific and on-going concerns. They told stories about their children being left out of school-wide activities and programs and failing to make acceptable progress. They expounded on how they were made to feel as second-class citizens. They described inexcusable segregation of youth with special needs from their general education peers. The speakers were convinced their children were being left behind while the general education population made strides.

The stories we heard in each borough were not always the same. For example:

- In Brooklyn, we heard how difficult it was to find an appropriate school and to get an Individualized Education Program that is tailored to help students progress;
- In Manhattan, we were made well aware of how few options there are for students with profound disabilities and just how hard it is to assure that services required are delivered in the schools;
- In Queens, a shocking number of the narratives focused on painful exclusion from proms, graduations and school plays;
- In Staten Island, parents described the sting of being treated as second-class citizens and told again-and-again how their expertise about their children and their strengths as well as their needs is too often discredited.
- And in the Bronx, we heard about the painfully low expectations for students with disabilities at some of the schools, and more stories about how parents' knowledge of their children has been repeatedly ignored by the system.

Every story we heard was unique. There was hope expressed and some positive stories about supportive and helpful educators, individuals and administrators. However, each saga, as distinct and personal as it was, also illustrated much larger systemic troubles. The list of concerns that related to the entire system included, but was certainly not limited to:

- Special education supports and services never received or insufficiently individualized to lead to progress.
- No consistency of services for children as they advanced to later grades.
- Insufficient information about programs and resources for the students and their families.
- Physical inaccessibility of programs because buildings are not equipped for students and families with mobility needs, and because appropriate programming is often simply too far from home to benefit students requiring long bus trips to and from school.
- And hard-fought battles to get appropriate transportation services.

Over the years, many have put forth proposals for organizing and re-organizing special education. Consultants commissioned by the Department of Education and outside groups have done a number of studies. Their recommendations have focused on more flexible service delivery models, increased dissemination of meaningful, disaggregated data and accountability, staff development and training, preventive and pre-referral services, and increased capacity at community schools as well as within District 75 programs to meet the needs of all students with disabilities in a variety of settings. Two times now this administration has re-organized. Yet, we're still facing the same underlying problems. We urge the Department of Education to heed the past reports and current calls for reform and to assure this time that New York City children with special needs receive the same consideration, concern and attention as their general education peers.

As such the ARISE Coalition is here today to implore that while another re-organization seems inevitable, a few goals must be achieved this time:

- The Department of Education must, as its first priority, address the on-going treatment of students with special needs as second-class citizens.
- The Department of Education must focus on the educational experiences of the students and the means to improve outcomes for students with disabilities.
- All students, with or without disabilities, in community schools and District 75 programs co-located in community schools, must have equitable access to all facilities - lunchrooms, gyms, libraries, and program activities, including after-school activities.
- Capacity must be furthered in every community school district to meet the needs of a variety of students with special needs in a variety of settings.
- Opportunities must be increased for interaction and integration of greater numbers of students with special needs - all along the spectrum of minimal to profound needs in community schools and District 75 schools.
- The Department should invest in pilot programming and replication of successful inclusion models.
- Lastly, there needs to be increased transparency of data - disaggregated - so that we don't really need to rely on the anecdotes of the already overwhelmed parents who came to our speak outs to share their stories and lend their voices to the move for system-wide change.

As my final point, I need to add my voice to the many I suspect you'll hear today. Reform must be driven by instructional considerations and student outcomes, and not by budgetary concerns.

Thank you.

## **Christopher Treiber, Parents for inclusive Education**

Good afternoon. I would like to thank the Education Committee of the New York City Council for holding these hearings and for giving me the opportunity to discuss the important issue of special education. My name is Christopher Treiber and I am the Director of Advocacy Services for AHRC New York City and I am Co-Coordinator of Parents for Inclusive Education or (PIE). PIE is a group of parents, educators and advocates working together to make Inclusion a viable option for all students with disabilities in New York City.

PIE holds monthly meetings that provide education, information, and support to families struggling with the challenges that prevent their children with disabilities from being included in the school community.

Our Goals are to:

- Promote that all New York City schools be accessible to all students with disabilities
- Advocate for the Department of Education to promote a policy of inclusion throughout the school system
- Encourage training for all Department of Education employees on the effective methods of including students with disabilities
- Ensure that all Individual Education Programs (IEP) and allocated resources promote the goal of inclusion

I am speaking here today on behalf of the parents of PIE and their children. The testimony I will provide is based on information provided by parents at the City-Wide Special Education Speak Outs that were co-sponsored by Parents for Inclusive Education and The ARISE Coalition and from the input of parents who attend our monthly meetings.

I have tried to narrow my comments to four key areas which PIE believes are some of the most pressing issues facing special education in NYC. These are areas we have found to be systemic issues, issues presented by parents from all five boroughs.

The first is the issue of ensuring full and equal access for students with disabilities to all of the programs, events, and services offered to non-disabled students.

One of the primary objectives of the DOE reorganizations under the Children's First initiative was to provide the school Principal with authority over their school and by granting them autonomy. As part of this initiative, the DOE eliminated the position of special education supervisor. The intent of this policy was to have the principal take responsibility for all the children in his or her school. This is a goal everyone would agree with in principal, but the reality has been something that has alarmed parents and advocates. During both the Parent Speak Outs and at PIE meetings, parents reported that their children are denied access to programs, services and even areas of the school building by the school Principal. One parent spoke of her child being denied access to the new school library because the Principal told her that her child with a disability may rip a book or damage something. Others reported that their children in self-contained special education classes were not invited to the assembly or allowed access to the gymnasium, or music room. Mother's from Brooklyn, Queen's and the Bronx spoke about how their son's classes were denied the opportunity to participate in field trips with the rest of the school. A mother in Queens who is a member of PIE, spoke about the discrimination faced by her daughter, a District 75 inclusion student. She had completed all of the necessary work to graduate but was denied the right to participate in her graduation ceremony or attend her middle school dance. We heard about Principals who

have banned parents from stepping foot inside their school because the parent advocated too much for their child. Across the city we heard stories of children are suspended for behavior related to their disability or, even worse, sent to a psychiatric emergency room after the school called 911 because the school staff could not handle the student. The alternative seemed to be parents receiving numerous phone calls from the school to come and pick up their son or daughter because the student is too difficult to handle. All of these incidents point to a much larger issue of the autonomy of principals to act and the inability of parents to hold them accountable. With the removal of the special education supervisors, parents lost the one individual who was the expert at the school on special education and in many cases the key advocate for the students with disabilities in the school. Parents feel increasingly powerless and report that they do not know who to voice their concerns to. PIE believes the Speak Outs provided the first opportunity for parents to express their anger and frustration and that is why they turned out in large numbers in all 5 boroughs.

PIE calls upon the Chancellor to make a clear and unequivocal statement that students with disabilities are to be given full and equal access to all the facilities, programs, and services offered to students without disabilities and that the practice of excluding students with disabilities is illegal and will not be tolerated. We also call for an immediate end to the practice utilized by some schools of calling 911 because a child is difficult to handle.

Second is the issue of the increasing adversarial climate that parents are experiencing when dealing with the DOE, specifically their child's school. The majority of parents seek a partnership with their son or daughter's school and they want to work collaboratively in the best interest of their child. However, parents report that anytime a request is made for increased services or additional support they are directed to file for an Impartial Hearing. This climate makes it very difficult for parents and advocates who try to negotiate in good faith and settle disputes without a due process hearing. The report dated December 23, 2008 from the NYSED to VESID Committee of the Board of Regent – **Dispute Resolution in Special Education – A Review and Analysis of New York State Due Process System** documents the consequences of this adversarial climate.

According to the report in 2007-2008 there were 6,075 requests for Impartial Hearings in New York State. 90% of the hearings requests came from New York City a total of 5,467 requests. There were 746 Impartial Hearings conducted in New York State that resulted in adjudication. 93% of those hearings came from NYC which is a total of 693.

Based on these numbers NYC had 5,467 IH requests and settled 4,774 cases. Only 693 went to full hearing.

Why does NYC have almost all of the Hearing requests in New York State and why are most of them settled before hearing? What is the cost in dollars of each filed hearing request? What is the cost in relationship with families?

The broader question to be answered is - Why were these cases not settled prior to the parents request for hearing if in most cases the case was resolved after the initial hearing request was made but prior to a full hearing? This would indicate that what the parent requested in many cases was reasonable other wise the DOE would have gone to a full hearing.

The third issue is transportation and PIE is aware that this is a huge issue and presents tremendous difficulty for families. We are limiting our comments to one specific new policy that creates a hardship for families. In order for a student with disabilities to receive any type of special transportation – minibus, air conditioning, or limited travel time due to a medical need the parent is required to submit a form completed by their child's pediatrician. In addition, the parent must sign a HIPAA release form authorizing the New York City Department of Health Physician to review the student's medical record. Parents are told by the IEP team that they can not complete the transportation section on the Individualized Education Program (IEP) until the forms have been submitted,

reviewed, and approved by a physician who has never even seen the child. After the forms have been approved the IEP team will meet again to add the special transportation accommodation onto the IEP. To complicate matters for families these forms are not available online and usually can only be accessed by going to the district office. Parents report that doctors are reluctant to fill out the forms and in some cases are charging families to complete them. Parents are concerned about signing a HIPPA release for their child's medical records to get special transportation accommodations.

The fourth issue is accountability. We know that others speakers here today will discuss this subject in greater detail therefore we will focus on one specific issue – The Special Education Service Delivery Report. This report initiated last year documents many things about special education service delivery in each individual school and was hailed as a new accountability measure for parents. Last year the Department of Education reported that based on the reports, compliance with mandated related services was very good. However, these findings are challenged by the numbers of families in all five boroughs who reported that their children were not receiving any or all of their mandated services. We have one question regarding these reports that may clear up this discrepancy. In the report under the section “Provision of Special Education Services” does the number of students receiving the services include only students who are receiving their full mandated IEP services or does it reflect students who are underserved and receiving only partial services?

I will conclude my remarks by telling you about a twelve year old student who I have been working with who has cerebral palsy and needs a wheelchair to travel. He attended a school in the Bronx in general education. His mother told me that he was not allowed to use the gym until she fought with the principal and he was not allowed to go on field trips with his class unless she went on the trip and transported him herself because the school would not get him a bus. His words are more eloquent than anything I can say and speak to his experience attending school as a student with a disability. He writes “there are a total of 1500 students in my school. Out of all these students I am the only one in the wheelchair. Many times I'm in school with my head down because there are no other kids in wheelchairs in my school. This makes me feel out of place. In my class there are 30 students. Although, I like my teachers, the class size is very big and because of that I am not able to be part of the class. I also have to be kept away from everyone else because of lack of space. I'm put on records as a member of a class, yet I don't feel included in everything that involves my class. I think my school is nice, I don't think it's a school designed for kids like me.”

I hope his words remind us that while we debate and argue about special education it is the children with disabilities and the families who love them who are suffering. We must get this right for the sake of our children. Thank you.

PIE Contacts – Christopher Treiber (212) 780-2534 or Lisa Isaacs (212) 244-4664.

## **Kim Sweet, Advocates for Children of New York**

Good afternoon. Thank you for this opportunity to discuss how the Department of Education's reorganizations have affected students with disabilities.

My name is Kim Sweet, and I am the Executive Director of Advocates for Children of New York. For more than 37 years, Advocates for Children has been speaking out for children with disabilities in the City's public schools. We work with several thousand parents a year, helping them to navigate a school system that many find both frustrating and daunting.

We are proud to be the founding member of the ARISE Coalition – a diverse group of parents, advocates, and others who are banding together to make sure that the needs of students with disabilities in New York City will be addressed.

In preparing for this hearing, I looked back at a report called *Too Little, Too Late*, which was issued by the City Council Committee on Education in August of 2003. The DOE under Mayor Bloomberg had just announced its first series of Children First reforms affecting special education, and the Committee report assesses the proposal and identifies areas of promise and concern.

In reviewing this report more than five years later, I am struck by two things:

First, I am struck that that DOE has not yet addressed some of the Council's most critical concerns. There has been no concerted effort whatsoever to improve program and service options for students with emotional or behavioral problems. There has been no coordinated strategy to provide preventive support services that decrease the number of referrals to special education, or that address overrepresentation of children of color in special education classes. There is still substantial non-compliance with students' IEPs.

Second, it is striking that the major reorganization of special education structures that is analyzed in this report – phase 1 of the Children First Reforms – has already been replaced by another reorganization. The Regional Administrators for Special Education, who were put in place as a pillar of phase 1 to ensure accountability for special education services, are now long gone. The organizational structure that supports special education has been wiped out and rebuilt twice in the past seven years, and it seems that Garth Harries has recently been appointed to engineer another structural overhaul.

Reorganization can be a good thing. Nobody says that the special education system does not need improvement. But too many structural changes, with too little forethought, have been highly disruptive and confusing to parents and teachers. Moreover, if the DOE is concentrating once again on re-arranging the deck chairs, we believe they will continue to postpone a much needed focus on instruction for students with disabilities. Without a renewed focus on instruction, we do not believe outcomes for students will significantly improve from here.

Thank you for this opportunity to speak to you today. I would be happy to answer any questions you may have.

**Lizbeth Pardo, Esq.,  
Metropolitan Parent Center at Sinergia**

I asked a Parent to speak today, because her situation so well exemplifies what many parents of children with disabilities experience. I know that accepting a transfer school does not sit well with her. Much as Parent has tried to discuss this matter with the high school, they have refused to do carry out their responsibilities, which is to conduct a Functional Behavior Assessment. A FBA and Behavior Intervention Plan would lead to a better understanding of the Student's anxiety, if she is engaging in unacceptable behavior, and would develop a behavior intervention plan based on this assessment. They have refused to work cooperatively with the parent and child, and they have at every turn blamed this child for her classmate's normal curiosity in sexual development. They have pressured Student and her mother to such a degree, causing severe anxiety in both, such that staying in the school is unbearable.

There is *nothing* inappropriate about the 12:1:1 Basic 2 program for this student. There are unfortunately too few Basic 2 programs. They are programs set in community high schools for students who are mildly cognitively challenged. It is from this program that Student is being forced into a highly segregated environment of District 75.

When a parent comes to me seeking an impartial hearing, I often consider resolving the matter in mediation, as I feel many of these issues can be resolved if we sit with the school to discuss the matter and listen to one another. My experience with mediation has been generally good. But where a school refuses to sit down with the parent, there is little hope. In this matter we have attempted to meet in mediation to resolve the issues. But the school declined to appear and as a result we were left speaking with an ISC representative, a well meaning and respected ISC representative, but nonetheless with little authority to make the school conduct a FBA. Under Bloomberg's restructuring, if a school fails to fully understand their responsibilities under IDEA, the ISCs have little to no authority to order schools to comply.

Transferring to another school is a particularly common experience, among students with special education needs. In part, this is because many schools refuse to take responsibility of children with special education needs. They are refusing to learn new methods, to make accommodations, or understand what is required under the law. Parents do not realize this, thinking it is just their child, but if they could share their experience with other parents they would realize they share many similar experiences. Parents are often wooed to more restrictive environments where they supposedly provide the services their child needs, where the grass is greener. But upon getting there they find the grass is not greener, and in fact is slightly brown.

I am not unaware of the tremendous responsibilities placed upon schools and the lack of resources they are given to fulfill their responsibilities. However, the reorganization under Children First has complicated the problems parents undergo to obtain a FAPE for their child. In addition to all the recommendations already made I have one to add: it is said if it looks and walks like a duck, it is probably a duck. IDEA delineates the responsibilities passed onto LEAs - to implement and enforce the rights of students requiring special education services. However, under the City's Children First, LEAs have been stripped of this responsibility, creating a vacuum as to who or what unit assumes responsibility for compliance.

**Jo Anne Simon,  
President of NY Branch, International Dyslexia Association  
(Summary of Testimony)**

I addressed extemporaneously some of the issues raised by Council Members' questions to earlier witnesses.

Least Restrictive Environment governs the ingredients of the environment in which the child can learn effectively. For some children the Least Restrictive Environment may be what appears to be a restrictive setting, but that may be needed in order for them to learn effectively. I used as an example that as a former teacher of deaf children, I believed that many deaf children do not fare well in a mainstream setting because their communication needs are very specific and can be difficult to address in a general education environment. Attempts to include children in larger general education classes, which don't meet their needs may actually be more restrictive for that child, with potentially serious consequences. Therefore LRE needs to be looked at carefully as a bigger picture than simply student-teacher ratios.

In response to a question from the Committee Chair about whether teachers understood what Dyslexia was, I pointed out that most teachers are not taught to recognize it or to intervene with appropriate instruction, which is why professional development so very necessary and, in the end, cost saving. I clarified that Dyslexia is an unexpected inability to read the printed word; a basic deficit in the association of letters with sounds that they make, in isolation, and in words, and an unexplained inability to perform these basic skills with fluency.

I encouraged Council Members to focus the Department on replicating programs that have been successful. Good teaching of reading is good teaching of reading. Research demonstrates that a structured multi-sensory program of direct instruction in reading is the only solidly evidenced-based approach to teaching of reading. This has been confirmed by the National Reading Panel which described the five pillars of competent reading in detail.

We need more access to programs such as Wilson and Foundations training in the schools. But we also need to give teachers more opportunities for follow-up instructional guidance and supervision in order for them to implement these systems effectively. Like any professional, teachers need to practice and be guided in those efforts. I wouldn't take a continuing legal education seminar in tax law and the next day be competent to be a tax lawyer, I would need practice and the guidance of senior practitioners expertise to assist me.

I addressed in greater detail an additional issue critical to the overall picture. Testimony centered around the Department's plans to reorganize "Special Education." This presumes that we are talking about children who are classified under the Individuals with Disabilities Education Act (IDEA). However, many children who are not classified as needing special educational services, indeed have disabilities and are entitled to non-discrimination in education, including the provision of modifications and accommodations. Although the trend is increasingly to declassify children and/or include them in general education classes, these children remain protected by law. The Department's proposal does not indicate its plans for tracking the services and accommodations needed by these children.

This issue is of great importance because the effective date of the amendments to the Americans with disabilities act was January 1, 2009. The amendments restored to broad scope of individuals to be protected, including school children. This past July, I testified before the U.S. Senate in support of the ADA Amendments Act (ADAAA) which restored the original, broad scope of protections intended by Congress. Simultaneously, Section 504 of the Rehabilitation Act of 1973 was conformed to the ADAAA. These amendments make clear that children with disabilities, even though they may not need specialized educational services, are entitled protection from non-discrimination and are also entitled to appropriate accommodations in the classroom and on

tests. I was disappointed that two organizations testifying against restoring the original scope of who was protected by the ADA included the American Council on Education and the Council of the Great City Schools, which consults with New York City's Public Schools. The City Council should require that the Department of education be accountable for the provision of federally protected services to these special needs children as well.

In addition, I addressed another consequence of including children with special needs in to the general education classroom without adequate supports - that of bullying. This is a growing trend in schools across the country. I pointed to two main contributing factors:

1. Teachers who are inadequately trained in recognizing signs of dyslexia and other language based communications disorders, and who too often are not sufficiently trained to implement positive, research-based behavior management principles and techniques.

2. Children who have language-based learning and communication disorders may not understand what is happening or what expected of them. They may not understand what infraction they committed or how. They may misunderstand directions and consequences because of their language-based problems. This is compounded when the child is a English Language Learner as well. These children are often unable to keep up with their peers, which can lead to bullying. This, in turn, can lead to a failure to report such incidents, because of fears of retaliation – further discouraging parents from engaging in due process protections. A number of Council Members indicated this was a concern for them.

I also pointed out that many parents have reported that when filing a request for due process, that the Department of Education has communicated to them that if the parent challenges placement and is unsuccessful, the Department will seek reimbursement of its legal fees. This further chills parents' exercise of their due process rights under the IDEA and Section 504 of the Rehabilitation Act of 1973.

**Jean Mizutani,**  
**Resources for Children with Special Needs**

In our experience, the opportunity for dialogue between parents and school staff has fallen. The previous Mayoral reorganizations eliminated the parents' opportunity to discuss concerns at multiple levels with people not directly involved in the dynamics of the situation.

Power is now concentrated in the hands of the principals. School staffs are all following the same directives and are all reporting to the same boss. When there is disagreement, there is little flexibility to reexamine the issue and consider a fresh perspective. With no informal options available, adversarial relationships and the use of due process grows. Even though more complaints are resolved through resolution or mediation, they are still part of the Due Process system. Encouraging collaboration between schools and parents saves money and builds relationships

Whether any further reorganization of Special education takes place or not, it is imperative that the Department of Education place a greater emphasis on pursuing positive resolutions at the school. I thank you for your time.

## **Lisa Isaacs, New York Lawyers for the Public Interest**

Good afternoon. Thank you for this opportunity to comment on the impact of the Reorganization of the New York City Department of Education's Special Education Services.

My name is Lisa Isaacs. I am the Director of the Education Law Program of New York Lawyers for the Public Interest (NYLPI). Since 1981, NYLPI has had a contract with the New York State Commission on Quality of Care to provide legal and other protection and advocacy services for individuals with disabilities in New York City and across New York State. Over the years, we have worked on countless special education cases, conducted many parent trainings, worked collaboratively with other advocacy organizations regarding issues of special education policy reform, organized parents in support of inclusive education, and litigated cases of significant impact. This experience forms the basis of our report on the impact of the Department of Education's Reorganization of Special Education.

I would like to focus my comments today on concerns that changes at the DOE, including the most recent reorganization, have not led to meaningful improvements for children with special educational needs, and have in many ways made things more difficult for parents and advocates, with lines of responsibility frequently shifting, and offices being reassigned, for example the ISC/CSE division of labor which has confused us all.

Although we applaud efforts of some high-ranking special education professionals to create systems and transparency through such efforts at the Standard Operating Procedures Manual and the Special Education call center, Special Education services are often overlooked and derided as the financial drain of the educational system.

We and many other advocates criticize the system for its dense bureaucracy, and its inability to accommodate students with IEPs in the city's most desirable educational settings like the new small high schools or specialized schools. We note the ineffective communications system, and the seeming intractable problems with student transportation.

We continue to hear stories of children spending hours on buses to get to schools in their own neighborhoods, and of students with severe disabilities being left on buses all day, forgotten. We have heard about medically fragile children forced to stay home because medically-trained personnel are not available for transportation and in the classroom, and of the handcuffing of very young children, who are then transferred to hospital emergency rooms for psychiatric work up.

Finally, we hear about principals excluding parents from classrooms and school buildings if they question an aspect of their child's education. Complaints of neglect by school personnel are routine, as are unchecked bullying and harassment by peers. Parents express fear and frustration over the DOE's own Office of Special Investigations which seems to operate in secret, giving advocates and parents the impression that the goal is to cover up – and not uncover --acts of neglect and even abuse at schools in which imperious principals have the heaviest hands.

The reorganization has only exacerbated some of the worst problems by endowing principals with discretion to address school based problems, while at the same time scrutinizing schools on performance measures, creating a skewed system of accountability that militates against corrective action.

In our office, we receive dozens of calls every month, and I would like to give you a snapshot of the active cases we opened last year. I believe it is a representative case load for a program our size, and illustrates the gamut of school problems not resolved by the reorganization.

In 2008, we helped 332 children with more than referrals or brief service. This is about half of the calls we received regarding education-related problems. Parents called primarily for assistance with the following issues:

- Implementation or compliance with or inappropriate IEPs
- Obtaining least restrictive settings and other placement issues
- Inability to obtain related services
- Availability of reliable, safe transportation

Only 12 cases were opened with the initial request for tuition reimbursement, though a slightly larger number of cases evolved into litigation for private school placement.

A quarter of the callers were guardians of children with diagnoses of Autism Spectrum Disorders. This is a growing population with significant complex unmet educational needs. Another 21% were classified as Learning Disabled. Nearly 15% were classified as Emotionally Disturbed and a large number – more than 7% -- carried a diagnosis of ADHD but were classified in a variety of ways.

There are some strong themes: parents were told by school personnel that if they disagreed or had problems with the proposed IEP recommendations or school programs, they should file for an impartial hearing. The IEP process should be collaborative, with full parental participation. Instead, parents report, no one at the schools tries to explain to the parent how their problems could be resolved amicably and quickly. They often experience a dismissive attitude, which has made it very difficult for parents to trust the school to do right by their children.

Evaluations are slow and inadequate. Parents are not being informed about what services their child is, or should be, receiving. Related service providers, even if offered, are difficult to find. A good number of families are forced to obtain private evaluations just to get a clear picture of their child's problems, either because the DOE tells them evaluations are not needed or provides inadequate reports from school personnel. Some parents report never obtaining a reevaluation from the DOE notwithstanding the requirement that triennials be done.

Another concern is the lack of easy access to language services. Many clients are foreign language speakers, and report never receiving a single document in their preferred language. One client reported that a teacher used a twelve-year-old child from her daughter's own class as an interpreter to talk about her child's lack of educational progress. A Polish-English bilingual child with severe language processing impairment is sitting in a Spanish-English bilingual class which is often conducted in Spanish.

These are but a few examples of a system that has yet to refine its structure to favor the well-trained, caring professionals in the ranks of the DOE. We have seen improvements, to be sure, in the website and the call center, but these are minor in comparison to the alarming number of problems facing children we know to be poorly served by the DOE.

In closing, we hope that the DOE will focus on true reform. We recommend special attention to:

- Staff training to facilitate true collaboration with parents;
- Monitoring and oversight of schools and its leaders;
- Increased attention to skills development for teachers and paraprofessionals;
- Seamless transitions between placements, especially in transitional years.

Thank you for considering my comments.